

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

## STIPULATION OF UNCONTROVERTED FACTS

Pursuant to the Court's order from the bench during the December 7, 2018 hearing (Dkt. 1321 at 22:7-19), and further pursuant to the Joint Stipulation Dismissing Certain Claims (Dkt. 1320), Plaintiff TecSec, Inc. ("TecSec") and Defendant Adobe Inc. ("Adobe"), by counsel, hereby jointly submit a clean stipulation of controverted facts. This clean set replaces the former version (Dkt. 1303) by: (1) removing Adobe's controverted facts—Nos. 24-42—that the Court has indicated it will not force the parties to include, and (2) removing reference to the asserted patent claims that have been jointly dismissed by the parties.

1. TecSec is a corporation organized and existing under the laws of the Commonwealth of Virginia, with its principal place of business at 1048 Dead Run Drive, McLean, Virginia.

2. Adobe is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business at 345 Park Avenue, San Jose, California.

3. TecSec filed the Complaint in this suit on February 5, 2010. Adobe was named as a defendant.

4. The patents asserted in this case are U.S. Patent Nos. 5,369,702, 5,680,452, 5,717,755, and 5,898,781 (the “asserted patents”).

5. U.S. Patent No. 5,369,702 (“the ’702 Patent”) is titled “Distributed Cryptographic Object Method,” and was issued on November 29, 1994 and expired on October 18, 2013.

6. U.S. Patent No. 5,680,452 (“the ’452 Patent”) is titled “Distributed Cryptographic Object Method,” and was issued on October 21, 1997 and expired on October 18, 2013.

7. U.S. Patent No. 5,717,755 (“the ’755 Patent”) is titled “Distributed Cryptographic Object Method,” and was issued on February 10, 1998 and expired on October 18, 2013.

8. U.S. Patent No. 5,898,781 (“the ’781 Patent”) is titled “Distributed Cryptographic Object Method,” and was issued on April 27, 1999 and expired on October 18, 2013.

9. The asserted claims are: claims 1 and 8 of the ’702 Patent; claim 1 of the ’452 Patent; claim 1 of the ’755 Patent, and claims 1 and 14 of the ’781 Patent.

10. Claim 1 of the ’702 Patent, claim 1 of the ’452 Patent, claim 1 of the ’755 Patent, and claim 1 of the ’781 are method claims.

11. Claim 8 of the ’702 Patent and claim 14 of the ’781 Patent are system claims.

12. The Adobe products that TecSec contends infringe the asserted claims are Acrobat Standard and Pro Software Versions 5.x, 6.x, 7.x, 8.x, 9.x, 10.x, and 11.x (collectively the “accused Acrobat versions”), and other Adobe products or packages that include or are bundled with the accused Acrobat versions.

13. On at least one occasion, Adobe has installed for its own internal use at least one copy of each version of the accused products on a computer having system memory.

14. Adobe does not dispute that when the accused Adobe Acrobat software (i.e., the accused Acrobat versions) was manipulated to create an encrypted first PDF file, attach the

encrypted first PDF file to a second PDF file, encrypt the second PDF file, and decrypt the encrypted first PDF file, there was direct infringement of the asserted claims by the user. Adobe does not dispute that this occurred on at least one occasion, by Adobe itself.

15. TecSec did not sell or offer for sale any PDF file creation products that competed with Acrobat Standard and Pro Software Versions 5.x, 6.x, 7.x, 8.x, 9.x, 10.x, and 11.x at the time of the hypothetical negotiation.

16. TecSec did not provide Adobe with actual notice of alleged infringement of the DCOM patents under Section 287(a), through a letter alleging infringement or otherwise, before TecSec filed this lawsuit on February 5, 2010.

17. TecSec and Martin Marietta Corporation entered into a License Agreement on November 14, 1994.

18. TecSec and Sterling Software (North America) Inc. entered into a Purchase and License Agreement on December 7, 1995.

19. TecSec and Lockheed Martin Corporation entered into a License Agreement on March 24, 1997.

20. TecSec and The Boeing Company entered into a Strategic Alliance Agreement in July 2001.

21. TecSec and Protegrity, Inc. entered into an Agreement for Settlement of Litigation on November 14, 2001.

22. TecSec and Microsoft Corporation entered into a Patent License Agreement on March 29, 2004.

23. TecSec and Microsoft Corporation entered into a Settlement and License Agreement on July 27, 2009.

Dated: December 9, 2018

/s/ Michael A. Oakes

Michael A. Oakes (VSB #47245)  
Ozzie Farres (*pro hac vice*)  
Kevin E. Gaunt (*pro hac vice*)  
Steven L. Wood (*pro hac vice*)  
Brian L. Saunders (*pro hac vice*)  
**HUNTON ANDREWS KURTH LLP**  
2200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037  
Telephone: (202) 955-1500  
Facsimile: (202) 778-2201  
moakes@huntonak.com  
ofarres@huntonak.com  
kgaunt@huntonak.com  
swood@huntonak.com  
bsaunders@huntonak.com

Service Email: tecsec@huntonak.com

*Counsel for Plaintiff TecSec, Inc.*

Respectfully submitted,

/s/ Maximilian A. Grant

Maximilian A. Grant (VSB No. 91792)  
(max.grant@lw.com)  
Tara D. Elliott (admitted *pro hac vice*)  
(tara.elliott@lw.com)  
Michael A. Morin (admitted *pro hac vice*)  
(michael.morin@lw.com)  
Rachel Weiner Cohen (admitted *pro hac vice*)  
(rachel.cohen@lw.com)  
**LATHAM & WATKINS LLP**  
555 Eleventh Street, N.W.  
Suite 1000  
Washington, DC 20004  
Telephone: (202) 637-2200  
Facsimile: (202) 637-2201

Dale Chang (admitted *pro hac vice*)  
(dale.chang@lw.com)

**LATHAM & WATKINS LLP**  
330 North Wabash Avenue, Suite 2800  
Chicago, IL 60611  
Telephone: (312) 876-7700  
Facsimile: (312) 993-9767

Brett M. Sandford (admitted *pro hac vice*)  
(brett.sandford@lw.com)

**LATHAM & WATKINS LLP**  
140 Scott Drive  
Menlo Park, CA 94025  
Telephone: (650) 328-4600  
Facsimile: (650) 463-2600

Michael W. Smith (VSB No. 01125)  
(msmith@cblaw.com)  
Roman Lifson (VSB No. 43714)  
(rlifson@cblaw.com)

**CHRISTIAN & BARTON, LLP**  
909 East Main Street, Suite 1200  
Richmond, VA 23219  
Telephone: (804) 697-4100  
Facsimile: (804) 697-6112

*Attorneys for Defendant Adobe Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of December, 2018, a true and correct copy of the foregoing was served using the Court's CM/ECF system, with electronic notification of such filing to all counsel of record.

/s/ Michael A. Oakes

Michael A. Oakes (VSB #47245)

**HUNTON ANDREWS KURTH LLP**

2200 Pennsylvania Avenue, N.W.

Washington, D.C. 20037

Telephone: (202) 955-1500

Facsimile: (202) 778-2201

moakes@huntonak.com

*Counsel for Plaintiff TecSec, Inc.*